

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

The Annuity, Welfare and Apprenticeship Skill  
Improvement & Safety Funds of the International  
Union of Operating Engineers Local 15, 15A, 15C  
& 15D, AFL-CIO et al.

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

E.G. Clemente Contracting Corp.

# 08 CV 02019

TO: (Name and address of defendant)

E.G. Clemente Contracting Corp.  
200 Industrial Loop  
Staten Island, New York 10309

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

BRADY McGUIRE & STEINBERG, P.C.  
603 WARBURTON AVENUE  
HASTINGS-ON-HUDSON, NEW YORK 10706

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

FEB 29 2008

CLERK

DATE

(BY) DEPUTY CLERK

STATE OF NEW YORK  
COURT: UNITED STATES DISTRICT COURT SOUTHERN DISTRICT

INDEX NO: 08CV 02019  
Date Filed: 2/29/2008

Plaintiff(s)/Petitioner(s) THE ANNUITY, WELFARE AND APPRENTICESHIP SKILL IMPROVEMENT & SAFETY FUNDS OF THE  
INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 15, 15A, 15C & 15D, AFL-CIO ET AL  
Defendant(s)/Respondent(s) E.G. CLEMENTE CONTRACTING CORP. Vs.

STATE OF NEW YORK  
COUNTY OF: Westchester

SS.

The undersigned deponent, being duly sworn deposes and say that said deponent is not a party to this action, is over 18 years of age and resides in the State of NEW YORK  
Process Served: SUMMONS AND COMPLAINT  
Deponent served the within process as follows:

Party Served: E.G. CLEMENTE CONTRACTING CORP.  
At Location: 200 INDUSTRIAL LOOP

STATEN ISLAND, NY 10309

Date of Service 3/6/08 Time of service 2:01 PM

☒ Check boxes that apply to this service:

- ☐ #1, INDIVIDUAL By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.
- ☒ #2, CORPORATION By delivering to and leaving with Jeff Clemente and that deponent knew the person so served to be the General Agent of the corporation and authorized to accept service..
- ☐ #3, SUITABLE AGE PERSON By delivering to and leaving with \_\_\_\_\_ a person of suitable age and discretion. Said premises is recipient's [ ] actual place of business [ ] dwelling house (usual place of abode) within the state.
- ☐ #4, AFFIXING TO DOOR By affixing a true copy of each to the door of said premises, which is recipient's [ ] actual place of business [ ] dwelling house (usual place of abode) within the state.
- ☐ #5, MAILING COPY On \_\_\_\_\_, deponent completed service under the last two sections by depositing a copy of the \_\_\_\_\_ to the above address in a First Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of \_\_\_\_\_.  
Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

- ☐ #6, NON-SERVICE After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: [ ] Unknown Address [ ] Evading  
[ ] Moved left no forwarding [ ] Address does not exist  
[ ] Other \_\_\_\_\_

- ☒ #7, DESCRIPTION A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
Sex: M Color of Skin: White Color of Hair: Brown Age: 45 Height: 5'7"  
Weight: 180 Other Features: \_\_\_\_\_

- ☐ #8, WITNESS FEES \$ \_\_\_\_\_ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

- ☐ #9, MILITARY SERVICE Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or on active duty in the military service in the State of New York and was informed \_\_\_\_\_ was not.

Sworn to before me on March 10, 2008

GAIL WILLIAMS  
Notary Public, State of New York  
No. 4665052  
Qualified in Westchester County  
Commission Expires September 30, 2010

Howard Ehrlich  
Howard Ehrlich

UCC-10 0933380  
Gail Williams